

**OPINION
58-50**

June 10, 1958 (OPINION)

CONTRACTORS

RE: Public - License

This is in reply to your letter of June 6, 1958, requesting an opinion of this office in regard to the necessity of a public contractor's license in particular described situations.

In the first instance, an out-of-state firm will bid for the contract for the installation of bleachers in a public building within this state. The bleachers are manufactured in Wisconsin, but will be finally assembled and installed in the building at Fargo, North Dakota.

In the second situation, a supplier will bid on furniture and fixtures, including counters which will be assembled for a county court house. While these fixtures will be manufactured outside of the state of North Dakota, assembling and installation will take place at the city where they are to be used.

In the third situation, a printing company will bid for a contract for publication of the session laws of this state. Another printing company will bid for the contract to publish the publicity pamphlet.

In the first two described instances, it is the opinion of this office that the project concerned is the "construction or reconstruction of public work" within the meaning of section 43-0701, subsection 3 of the N.D.R.C. of 1943, and that therefore a public contractor's license is required. In the third situation, in so far as it is our opinion that printing is not the "construction or reconstruction of public work" within the meaning of said section 43-0701, subsection 3, it is our conclusion that a public contractor's license is not required.

LESLIE R. BURGUM

Attorney General